

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1371

Introduced by Assembly Member Smyth

February 27, 2009

~~An act to amend Section 13552.8 of the Water Code, relating to recycled water. An act to add Section 13552.7 to the Water Code, relating to water.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1371, as amended, Smyth. ~~Recycled water. Reasonable use of water: generating facilities.~~

The California Constitution provides that the right to water shall be limited to that amount of water that is reasonably required for the beneficial use to be served. Existing law declares that the use of potable domestic water for cooling towers is a waste or on unreasonable use of water if recycled water is available and other requirements are met.

This bill would declare that the use of potable domestic water for cooling towers that are part of a generating facility that is an eligible renewable energy resource is a reasonable use of water if certain conditions are met.

~~Existing law, the Porter-Cologne Water Quality Control Act, authorizes a public agency to require the use of recycled water in floor trap priming, cooling towers, and air conditioning devices if certain requirements are met.~~

~~This bill would make technical changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 13552.7 is added to the Water Code, to*
2 *read:*

3 13552.7. (a) *The Legislature finds and declares that it is in*
4 *the interest of the State of California to construct generating*
5 *facilities that are eligible renewable energy resources, as described*
6 *in Article 16 (commencing with Section 399.11) of Chapter 2.3 of*
7 *Part 1 of Division 1 of the Public Utilities Code.*

8 (b) *Notwithstanding Section 1352.6, the use of potable domestic*
9 *water for cooling towers that are part of a generating facility that*
10 *is an eligible renewable energy resource is a reasonable use of*
11 *water within the meaning of Section 2 of Article X of the California*
12 *Constitution if both of the following apply:*

13 (1) *The renewable energy resource meets the requirements of*
14 *Article 16 (commencing with Section 399.11) of Chapter 2.3 of*
15 *Part 1 of Division 1 of the Public Utilities Code.*

16 (2) *The facility is a project for which a negative declaration*
17 *was certified pursuant to the California Environmental Quality*
18 *Act (Division 13 (commencing with Section 21000) of the Public*
19 *Resources Code.*

20 ~~SECTION 1. Section 13552.8 of the Water Code is amended~~
21 ~~to read:~~

22 ~~13552.8. (a) Any public agency, including a state agency, city,~~
23 ~~county, city and county, district, or any other political subdivision~~
24 ~~of the state, may require the use of recycled water in floor trap~~
25 ~~priming, cooling towers, and air-conditioning devices, if all of the~~
26 ~~following requirements are met:~~

27 ~~(1) Recycled water, for these uses, is available to the user and~~
28 ~~meets the requirements set forth in Section 13550, as determined~~
29 ~~by the state board after notice and a hearing.~~

30 ~~(2) The use of recycled water does not cause any loss or~~
31 ~~diminution of any existing water right.~~

32 ~~(3) If public exposure to aerosols, mist, or spray may occur,~~
33 ~~appropriate mist mitigation or mist control is provided, such as~~
34 ~~the use of mist arrestors or the addition of biocides to the water in~~
35 ~~accordance with criteria established pursuant to Section 13521.~~

36 ~~(4) The person intending to use recycled water has prepared an~~
37 ~~engineering report pursuant to Section 60323 of Title 22 of the~~
38 ~~California Code of Regulations that includes plumbing design,~~

1 ~~cross-connection control, and monitoring requirements for the~~
2 ~~public agency, which are in compliance with criteria established~~
3 ~~pursuant to Section 13521.~~

4 ~~(b) This section applies to both of the following:~~

5 ~~(1) New industrial facilities and subdivisions for which the~~
6 ~~building permit is issued on or after March 15, 1994, or, if a~~
7 ~~building permit is not required, new structures for which~~
8 ~~construction begins on or after March 15, 1994, for which the State~~
9 ~~Department of Public Health has approved the use of recycled~~
10 ~~water.~~

11 ~~(2) Any structure that is retrofitted to permit the use of recycled~~
12 ~~water for floor traps, cooling towers, or air-conditioning devices,~~
13 ~~for which the State Department of Public Health has approved the~~
14 ~~use of recycled water.~~

15 ~~(c) (1) Division 13 (commencing with Section 21000) of the~~
16 ~~Public Resources Code does not apply to any project which only~~
17 ~~involves the repiping, redesign, or use of recycled water for floor~~
18 ~~trap priming, cooling towers, or air-conditioning devices necessary~~
19 ~~to comply with a requirement prescribed by a public agency~~
20 ~~pursuant to subdivision (a).~~

21 ~~(2) The exemption in paragraph (1) does not apply to any project~~
22 ~~to develop recycled water, to construct conveyance facilities for~~
23 ~~recycled water, or any other project not specified in this~~
24 ~~subdivision.~~